

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA**

AIR FORCE OFFICER,)	
)	
Plaintiff,)	Case No.
)	
v.)	
)	
LLOYD J. AUSTIN, III , individually and in his)	
official capacity as Secretary of Defense;)	
FRANK KENDALL, III , individually and in his)	
official capacity as Secretary of the Air Force; and)	
ROBERT I. MILLER , individually and in his)	
official capacity as Surgeon General of the)	
Air Force,)	
)	
Defendants.)	

DECLARATION OF AIR FORCE OFFICER

Pursuant to 28 U.S.C. § 1746, I, Air Force Officer, under penalty of perjury declare as follows:

1. I am over the age of eighteen and am competent to make this declaration.
2. For more than 25 years, I have served my country in the United States Air Force.
3. The military has awarded me more than 20 medals including the Defense Meritorious Service Medal, Meritorious Service Medals, the Air Force Commendation Medal, and Air Force Achievement Medals, among others.
4. The Air Force has never disciplined me, and has never had cause to discipline me, for any reason.
5. For years, I have served in an administrative position in the Air Force Reserves.
6. My position is not one that would be tasked to deploy or that engages in physical military operations.

7. I am both a military employee and a federal civilian employee, and in both capacities I am based at Robins Air Force Base in Georgia.

8. At various times in my career, I have worked remotely.

9. Over my years of service, I have held key positions of responsibility, implemented critical health and safety programs, educated and developed numerous other leaders, and built trust and goodwill among fellow service members, all in the interest of military readiness, unit cohesion, good order, discipline, health, and safety.

10. When the military in 2020 began imposing COVID-19 restrictions on personnel—including masking, social distancing, and working remotely—I followed and led others to follow these policies.

11. I have consistently and fully supported and sustained Defendants' interest in military readiness, unit cohesion, good order, discipline, health, and safety.

12. My professional responsibilities do not involve personal engagement in physical operations or require extremely close proximity with other service members at all times.

13. Though some of my managerial duties may at times be facilitated by physical proximity to my colleagues, I have a history of working successfully with my team during times of the strictest of COVID-19 restrictions.

14. In December 2020, I contracted COVID-19 and fully recovered.

15. In January 2021, I took a COVID-19 antibody test and tested positive for COVID-19 antibodies.

16. Eleven months later, in December of 2021, I took another COVID-19 antibody test and again tested positive for COVID-19 antibodies.

17. I am a Christian.

18. As a Christian, I believe that abortion is a grave evil and contrary to my faith.

19. I believe that receiving a vaccine that was derived from or tested on aborted fetal tissue in its development would violate my conscience and is contrary to my faith.

20. I understand that all of the COVID-19 vaccines currently available were derived from or tested on (as part of their development) aborted fetal tissue. For this reason, I am unwilling to receive one of the COVID-19 vaccines currently available.

21. I am not an “anti-vaxxer.” I do not oppose all vaccines.

22. I oppose the currently available COVID-19 vaccines because of their connection to abortion.

23. In accordance with my faith, I believe that my “body is the temple of the Holy Spirit” (1 Cor. 6:19-20), and that injection with a novel substance of unknown long-term effects would violate this belief.

24. I am aware of these orders that purportedly affect me (“Mandates”):

- a. Department of Defense’s August 24, 2021 Order (attached as Exhibit 1);
- b. Department of Air Force’s September 3, 2021 Order (attached as Exhibit 2);
- c. President Biden’s September 9, 2021 Executive Order 14043 (attached as Exhibit 3);
- d. Department of Air Force’s September 21, 2021 Order (attached as Exhibit 4);
- e. Department of Defense’s October 1, 2021 Order (attached as Exhibit 5);
and
- f. Air Force’s October 8, 2021 Order (attached as Exhibit 6).

25. I am aware of AFI 48-110 (attached as Exhibit 7), an Air Force Instruction.

26. The Air Force provided me and other service members with form religious accommodation requests (attached as Exhibits 8-9).

27. The Air Force informed me and other unvaccinated service members that a “request” for religious accommodation “may have an adverse impact” on “deployability, assignment and/or international travel” (see Exhibit 9).

28. I timely sought, in writing, religious exemption from the Mandates and sought accommodation (attached as Exhibit 10 (military request submitted October 13, 2021), Exhibit 11 (military appeal submitted October 29, 2021), and Exhibit 12 (civilian request submitted November 8, 2021)) (“Accommodation Requests”).

29. Defendants’ responses to my military Accommodation Requests are attached as Exhibit 13 (military initial denial received by me on October 27, 2021) and Exhibit 14 (military final denial received by me on December 6, 2021).

30. Based on information publicly available from the Air Force (including <https://www.af.mil/News/Article-Display/Article/2831845/daf-covid-19-statistics-jan-4-2022/>), I understand the Air Force has not granted any religious accommodation requests to anyone.

31. Based on information publicly available from the Air Force (including <https://www.af.mil/News/Article-Display/Article/2831845/daf-covid-19-statistics-jan-4-2022/>), I understand the Air Force has granted at least 1,792 medical accommodations.

32. Based on information publicly available from the Air Force (including <https://www.af.mil/News/Article-Display/Article/2831845/daf-covid-19-statistics-jan-4-2022/>), I understand the Air Force has granted at least 2,177 administrative accommodations.

33. Based on information publicly available from the Air Force (including <https://www.af.mil/News/Article-Display/Article/2831845/daf-covid-19-statistics-jan-4-2022/>), I understand at least 95.7% of Air Force service members have received COVID-19 vaccinations.

34. Based on information publicly available from the Navy (including <https://www.navy.mil/US-Navy-COVID-19-Updates/>), I understand the Navy has not granted any religious accommodation requests to anyone and has granted at least 250 medical accommodations and at least 105 administrative accommodations.

35. I am not aware of any military branch (including the Air Force, Navy, Army, and Marines) granting any religious accommodation requests, and I'm familiar with media reports (including <https://www.nytimes.com/2021/11/02/us/politics/vaccine-military-army.html>) that state that the military has not granted any.

36. After I received the final denial of my military request for accommodation (Exhibit 13), the Air Force gave me five days to make an extremely difficult choice among three options: "(1) take the vaccine," "(2) submit retirement request if eligible" with retirement effective in the spring of 2022, or "(3) refuse vaccine in writing." The Air Force further informed me that "refusal to receive the vaccine... may be punishable under the Uniform Code of Military Justice (UCMJ)" and that "[c]ontinued refusal will result in involuntary reassignment to the IRR [Individual Ready Reserve]." See communications I received from the Air Force at Exhibit 15. Reassignment to the IRR typically is without pay, benefits, or regular responsibilities.

37. I want to continue my work, but, faced with the three limited options, on December 11, 2021, I chose, under protest, early retirement with an effective date in the spring of 2022.

38. Based on information I received from the military, the effective date of my retirement may be May 1, 2022 or June 1, 2022 (spring of 2022); the exact date has not been made clear to me.

39. I was and am willing to perform my work at the highest level and to take regular COVID-19 tests, wear a mask, socially distance, and work remotely as appropriate.

40. Until the putative effective date of my forced early retirement in the spring of 2022, and pending adjudication of my civilian request for accommodation (Exhibit 12), as a military service member I am still permitted to work on the base and to perform my normal work duties—still unvaccinated—provided I take regular COVID-19 tests when working in-person at the base, test negative, wear a mask, and socially distance.

41. During the period since December 11, 2021, I have worked on the base and performed my normal work duties. During this time I have taken COVID-19 tests, worn a mask, and socially distanced.

42. As an officer in my position, I understand that service members with approved medical accommodations are permitted to work in person, indefinitely, with no forced early retirement or other adverse employment consequences.

43. By refusing to take the COVID-19 vaccine, being forced into early retirement, and losing my Air Force position, I stand to lose more than a million dollars in salary and benefits. I had planned to rely on this compensation in retirement in due course.

44. While the military has issued a final denial (Exhibit 14) of my military requests for accommodation (Exhibits 10-11), my civilian request for accommodation (Exhibit 12) is still pending. I have not been told when a ruling on the civilian request will be issued and understand it could be issued any day. I have been advised that there is no opportunity to appeal a civilian

denial, unlike the military denial, so an initial civilian denial is considered final. I expect the Air Force will deny the civilian request, because, I understand, Defendants have denied all COVID-19 vaccine religious accommodation requests of all service members including my own military request.

45. The military has not informed me what the impact of a denial of the civilian request would have on my employment which is both military and civilian, including whether I will be separated immediately or whether the terms of forced early retirement in the spring of 2022 will apply.

46. Fidelity to my sincerely held religious beliefs is more important to me than my job and compensation.

47. The Mandates have lowered my morale as a service member, because they have forced me to choose between my sincerely held religious beliefs and my livelihood. I personally know other Air Force service members who have expressed to me that the Mandates have lowered their morale for the same reasons.

48. Some of the attached exhibits are redacted to remove some personal identifiers.

I declare under penalty of perjury that the foregoing is true and correct. Executed on January 6th, 2022.

/s/ Air Force Officer
Air Force Officer